

HOUSE BILL NO. 27

INTRODUCED BY M. NOENNIG

BY REQUEST OF THE MONTANA HISTORICAL SOCIETY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE MONTANA HISTORICAL SOCIETY TO CONDUCT A BIENNIAL REVIEW RATHER THAN A QUARTERLY AUDIT OF THE FUNDS OF A NONPROFIT CORPORATION THAT MANAGES A STATE-OWNED HISTORIC SITE OR BUILDING; ALLOWING THE SOCIETY TO AUDIT THE FUNDS WHEN DETERMINED NECESSARY; AMENDING SECTION 22-3-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 22-3-603, MCA, is amended to read:

"22-3-603. Management of historic sites and buildings -- contracts. (1) The Montana historical society may accept gifts, grants, bequests, or contributions of money, property, labor, or materials for use in the operation, maintenance, repair, preservation, or renovation of any historic site or building owned by the state of Montana.

(2) The Montana historical society may contract with a local nonprofit corporation for the operation, maintenance, preservation, repair, or renovation of any historic site or building owned by the state. The nonprofit corporation may not be considered a public agency for purposes of Title 18, except for the provisions in chapter 2, part 2, or for the purposes of other statutes applicable to the historical society if 25% of the total annual expenses for all costs of operation, maintenance, repair, preservation, and renovation of the historic site or building is provided by in-kind or donated labor or materials by or on behalf of the contracting local nonprofit corporation. The nonprofit corporation ~~must~~ shall conform to the provisions of Title 18, chapter 2, part 2, and Title 35, chapter 2.

(3) A contract may not be entered into or any other obligation incurred for the purposes in subsection (1) until money has been appropriated by the legislature or is otherwise available. If funds are otherwise available, Title 18, chapter 2, parts 1, 3, and 4, are not applicable.

(4) The Montana historical society may require a corporation managing a property pursuant to subsection (2) to deposit in a local financial institution all profits, revenue, royalties, or fees received or all gifts,

1 grants, bequests, or other contributions collected by the corporation for the benefit of the property. All funds must
2 be accounted for pursuant to the management contract and ~~audited quarterly~~ reviewed biennially by the society
3 or its designee, and expenditures of the funds may be used only for the operation, maintenance, preservation,
4 repair, renovation, and management of the property. The Montana historical society or its designee may conduct
5 an audit of the funds when determined necessary by the society."

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7 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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